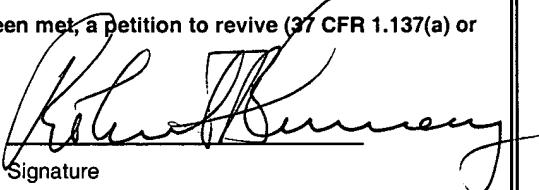


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| FORM PTO-1390 | U.S. Department of Commerce Patent and Trademark Office | |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | Attorney's Docket No. 3165-138 |
| INTERNATIONAL APPLICATION NO. PCT/EP2004/003873 | INTERNATIONAL FILING DATE April 13, 2004 | U.S. Application No. (if known) 10/553,153 |
| TITLE OF INVENTION AN AQUEOUS, FLOWABLE CONCENTRATE COMPOSITION OF PENDIMETHALIN | | |
| APPLICANT(S) FOR DO/EO/US Andrew GOLDSMITH | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). | | |
| ITEMS 11. TO 20. below concern other document(s) or information included: | | |
| <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A third preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). | | |

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| U.S. APPLICATION NO. (If known) 10/553,153 | | INTERNATIONAL APPLICATION NO. PCT/EP2004/003873 | | ATTORNEY DOCKET NO. 3165-138 | |
| 20. <input type="checkbox"/> Other items or information: | | | | | |
| 21. The following fees are submitted: | | | | <u>CALCULATIONS</u> | <u>PTO USE ONLY</u> |
| <input type="checkbox"/> Basic National Fee \$300.00 | | | | \$ | |
| 22. <input type="checkbox"/> Examination Fee If the written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations \$200.00 | | | | \$ | |
| 23. <input type="checkbox"/> Search Fee If the written opinion of the ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Search Authority \$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400.00 All other situations \$500.00 | | | | \$ | |
| TOTAL OF 21, 22 AND 23 = | | | | \$ | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof. | | | | \$ | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Rate | | |
| - 100 = | / 50 = | | x 250 | \$ | |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)). | | | | \$ | |
| Claims | Number Filed | Number Extra | Rate | | |
| Total Claims | 15 -20 = | | X \$50.00 | \$ | |
| Independent Claims | 1 - 3 = | | X \$200.00 | \$ | |
| Multiple dependent claim(s) (if applicable) | | | + \$360.00 | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | |
| <input type="checkbox"/> Applicant claims small entity status. The fees indicated above are reduced by 1/2. | | | | \$ | |
| SUBTOTAL = | | | | \$ | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | + | \$ |
| TOTAL NATIONAL FEE = | | | | \$ | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | + | \$ |
| TOTAL FEES ENCLOSED = | | | | \$ | |
| | | | | Amount to be refunded | \$ |
| | | | | Amount to be New Application charged | \$ |

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|---|--|---------------------------------|
| U.S. APPLICATION NO. (If known) 10/553,153 | INTERNATIONAL APPLICATION NO. PCT/EP2004/003873 | ATTORNEY DOCKET NO. 3165-138 |
| <p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 02-2135 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2135. A duplicate copy of this sheet is enclosed.</p> | | |
| <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> | | |
| <p>SEND ALL CORRESPONDENCE TO: Customer No. 06449 Rothwell, Figg, Ernst & Manbeck 1425 K St., N.W. Washington, D.C. 20005 Phone: 202/783-6040</p> | | |
|  <p>Signature Robert B. Murray</p> <p>Name 22,980</p> <p>Registration Number</p> | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/553,153
Applicant : Andrew GOLDSMITH
Filed : February 7, 2006
TC/A.U. :
Examiner :

Docket No. : 3165-138
Customer No. : 6449
Confirmation No. :

THIRD PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please enter the following amendments before calculation of the filing fee and examination of the merits.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.